

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

VANESSA FONTENOT, ET AL.

CIVIL ACTION NO. 15-2150

VERSUS

JUDGE S. MAURICE HICKS, JR.

RUSSELL BUCHANAN, ET AL.

MAGISTRATE JUDGE HANNA

**JUDGMENT**

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, including the objections filed by Plaintiffs, and determining that the findings of the Magistrate Judge are correct under the applicable law;

**IT IS ORDERED** that Defendants Russell Buchanan, Carroll Stelly, Matthew Scott, Joey Thibodeaux, and Tyler Scott's Motion to Dismiss (Record Document 11) be and is hereby **GRANTED**, and Plaintiffs' 42 U.S.C. § 1983 claims are **DISMISSED WITHOUT PREJUDICE** with respect to these Defendants because of Plaintiffs' failure to timely serve process upon these Defendants in accordance with Federal Rule of Civil Procedure 4(m). Defendant Rayne Police Department's Motion to Dismiss (Record Document 12) is hereby **GRANTED** and all of Plaintiffs' 42 U.S.C. § 1983 claims are hereby **DISMISSED WITH PREJUDICE** with respect to the Rayne Police Department because the Rayne Police Department is not a juridical entity capable of being sued.

Additionally, in accordance with the foregoing Memorandum Ruling, **IT IS ORDERED** that all claims against Defendant XYZ Insurance Co. be and are hereby **DISMISSED WITHOUT PREJUDICE** for failure to effect service within 90 days as required by Federal Rule of Civil Procedure 4(m).

**THUS DONE AND SIGNED** at Shreveport, Louisiana, this the 7th day of December, 2016.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE